

**BOARD OF WATER AND SOIL RESOURCES  
ST. JAMES HOTEL  
406 MAIN STREET, LAURENTINE ROOM  
RED WING, MINNESOTA 55066  
THURSDAY, AUGUST 27, 2015**

**BOARD MEMBERS PRESENT:**

Joe Collins, Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Kathryn Kelly, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Tom Schulz, Rob Sip, MDA; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Paige Winebarger

**BOARD MEMBERS ABSENT:**

Sandy Hooker  
Neil Peterson

**STAFF PRESENT:**

Mary Jo Anderson, Angie Becker Kudelka, Tom Gile, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Jeff Nielsen

**OTHERS PRESENT:**

Ian Cunningham, MASWCD  
Sheila Vanney, MASWCD  
Terri Peters, Wabasha SWCD

**CALL MEETING TO ORDER** – Chair Napstad called the meeting to order at 9:01 a.m.

## **PLEDGE OF ALLEGIANCE**

Chair Napstad thanked Goodhue and Rice SWCDs and their staff for hosting the tour in the southeast; he thanked the Cannon River Watershed Partnership; and thanked Mary Jo Anderson and Tom Gile for planning an excellent tour.

**\*\*** **ADOPTION OF AGENDA** – Chair Napstad stated that Ed Lenz, Board Conservationist in Marshall, will be introduced at a later date. Moved by Tom Schulz, seconded Doug Erickson, to adopt the agenda as amended. **Motion passed on a voice vote.**  
**15-49**

**\*\*** **MINUTES OF June 24, 2015 BOARD MEETING** – Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the minutes of June 24, 2015 as circulated. **Motion passed on a voice vote.**  
**15-50**

**PUBLIC ACCESS FORUM** – Jill Crafton distributed information and briefly commented on the Great Lakes-St. Lawrence River Basin Water Resources Compact, and the City of Waukesha, Wisconsin, request for an exception to the ban on diversions of Great Lakes water under the Compact. Under the Compact, any diversion application must be approved by all eight Great Lakes states and two Canadian provinces. Joe Collins recommends that Minnesota take a stance on this issue. Chair Napstad stated that the DNR may consider asking BWSR to review the diversion application.

## **CONFLICT OF INTEREST DECLARATION**

Chair Napstad explained that the conflict of interest disclosure process is being used today on agenda items:

- Reallocation of FY2013 Targeted Drainage Water Management Grants Funds
- Grey Cloud Slough Restoration Grant
- FY2016 Buffer Law and MN Ag Water Quality Certification Funding Allocations

Chair Napstad read the statement:

*“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business.”*

## **INTRODUCTION OF NEW BOARD MEMBER**

Chair Napstad introduced and welcomed newly appointed citizen member Paige Winebarger. Ms. Winebarger provided some information on her past experiences.

## **REPORTS**

**Chair’s Report** – Brian Napstad reported that he attended the EQB meeting last week; discussion included the 111D Rule; which includes the clean power plant update; rules in reduction of emissions; and integrated resource plan.

Chair Napstad distributed the final draft of BWSR Committees that he and John Jaschke reviewed and recommend restructuring the RIM Reserve Soil Conservation Committee, and the Wetlands & Drainage Committee, creating the Buffers, Soil & Drainage Committee. Chair Napstad appointed board members to the Committees and requested board members let him know of any additional considerations. MPCA

will be added to the newly created BSDC. John stated that BWSR staff have been and will be assigned to committees.

**Audit & Oversight Committee** – Brian Napstad reported that the Audit & Oversight Committee will meet immediately following the September 23<sup>rd</sup> Board meeting.

**Executive Director's Report** – John Jaschke reiterated Chair Napstad's comments regarding the tour yesterday; and thanked those involved. John will meet with Cathee Pullman, NRCS; and LeAnn Buck, MASWCD, regarding infrastructure of SWCD and NRCS offices.

John is working with MMB requesting human resources assistance regarding staffing including the buffers initiative. BWSR will communicate with SWCDs in the next few months when MMB approves positions. John reported that he has been conducting meetings statewide with landowners, SWCDs, citizens, officials, regarding the buffer initiative. John reported that BWSR is working on guidance to address the questions that have come up and may pursue a cost-share incentive for establishing the required buffers under the new buffer law.

John briefly commented on the wetland banking program and 1W1P. John reviewed information in the board members' packets. Discussion followed regarding the new buffer implementation, how does the current CWF policy apply or not apply; what form of contract agreement will be required between the SWCD and landowner; and SWCD services funding in relation to cost share payments for establishing required buffers. Chair Napstad stated that BWSR will be working with DNR on mapping; the newly established Buffers, Soils & Drainage Committee will make recommendations.

**RIM Reserve Committee** – Gene Tiedemann reported that the Committee had not met but that the packet contains a proposed CREP summary.

**Dispute Resolution Committee** – Gerald Van Amburg provided a brief overview of the appeals filed with BWSR. A DRC hearing is scheduled for October 28.

**Grants Program & Policy Committee** – Steve Sunderland reported that the Grants Program & Policy Committee met on August 10; recommendations are on the agenda later today. The next Grants Program & Policy Committee meeting is scheduled for September 22, at 3:30 PM.

**Water Management & Strategic Planning Committee** – Jack Ditmore welcomed Paige as a member of the Water Management & Strategic Planning Committee. The next Water Management & Strategic Planning Committee meeting is scheduled for September 22, at 5:30 PM.

**Wetlands & Drainage Committee** – Gerald Van Amburg reported that the Committee has not met; but has a name change, the Wetlands Conservation Committee.

**Drainage Work Group (DWG)** – Tom Loveall reported that the DWG met on July 9 and August 13; he provided an overview of the meetings. The next DWG meeting is September 10. Al Kean stated that high priority is buffers, benefited areas, and common ways to define issues. Chair Napstad thanked Tom and Al for the report.

## **COMMITTEE RECOMMENDATIONS**

### ***Metro Committee***

**Carnelian-Marine-St. Croix Watershed District (District) Plan Amendment** – Jim Haertel reported that the final draft Amendment to the Carnelian-Marine-St. Croix Watershed District Plan was filed with the Board on July 1, 2015. The District added or revised information regarding aquatic invasive species, groundwater,

wetlands, capital projects, cost-share programs, budgets and updates to data found in the Lake and Stream Management Plans. It also included revisions to District management and prioritization strategies. The Metro Committee met on August 4, 2015 and unanimously recommends approval of the Plan Amendment. Joe Collins acknowledged the focused watershed management and stated that Jim Schaffer recognized Mary Peterson's efforts. Moved by Joe Collins, seconded by Rebecca Flood, to approve the Carnelian-Marine-St. Croix Watershed District Plan Amendment. ***Motion passed on a voice vote.***

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15-51

**Bassett Creek Watershed Management Commission Comprehensive Watershed Management Plan –** Jim Haertel reported that the Bassett Creek Watershed Management Commission was originally created as a flood control organization in the late 1960's. The ten-year Plan Revision is the Third Generation Watershed Management Plan for the organization. The Plan continues to build on the organization's past success by continuing to move forward with an extensive implementation program. The Metro Region Committee met earlier this month to discuss the Plan and unanimously recommends approval. Moved by Joe Collins, seconded by Rebecca Flood, to approve the Bassett Creek Watershed Management Commission's Watershed Management Plan. Discussion followed. ***Motion passed on a voice vote.***

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15-52

Kathryn Kelly thanked John Jaschke for coming to Renville to meet with local officials. She also thanked Jeff Nielsen, for his efforts to support the Southern Region Committee. Kathryn also thanked those involved in the tour planning yesterday.

#### ***Southern Region Committee***

**Buffalo Creek Watershed District (BCWD) Watershed Management Plan Amendment –** Kathryn Kelly reported that the final draft Amendment to the Buffalo Creek Watershed District Plan was filed with the Board on August 7, 2015. The primary purpose of this Amendment is to establish a Water Management District for the Marsh Water Project pursuant to Minn. Stat. §§ 104D.411 and 103D.729. The Southern Region Committee met on July 28, 2015 and recommends approval of the Plan Amendment. Moved by Kathryn Kelly, seconded by Steve Sunderland, to approve the 2014 Revised Watershed Management Plan for the Buffalo Creek Watershed District. The Buffalo Creek Watershed District must include an evaluation of the use and effectiveness of the water management district in the next ten-year plan revision. Discussion followed. ***Motion passed on a voice vote.***

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15-53

**Freeborn County Comprehensive Local Water Management Plan (CLWMP) Extension –** Kathryn Kelly reported that the Freeborn County's Comprehensive Local Water Management Plan is set to expire on December 31, 2015. The County has submitted a request for extension. The request has been reviewed and recommended for approval by BWSR staff, and was considered by the Southern Region Committee at their July 28 meeting; the Committee recommends approval. Moved by Kathryn Kelly, seconded by Chris Elvrum, to approve the extension of the Freeborn County Comprehensive Local Water Management Plan until December 31, 2016. Freeborn County will submit to BWSR an amendment to the current Plan, in an effort to synchronize water management efforts between partners in order to develop and complete watershed-based plans through One Watershed, One Plan. The amendment will revise the executive summary and implementation section of the Plan, including prioritized, targeted and measurable goals; with an expiration date no later than December 31, 2020.

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15-54

Jack Ditmore stated that the BWSR's extension approval is not to be used as an excuse to extend; he appreciated Jeff Nielsen's work on this effort. Jeff Nielsen stated that the extension request must include prioritized, targeted and measureable goals. ***Motion passed on a voice vote.***

**Redwood County Comprehensive Local Water Management Plan (CLWMP) Extension** – Kathryn Kelly reported that the Redwood County’s Comprehensive Local Water Management Plan is set to expire in January 2016. On April 27, 2015, Redwood County approved and submitted a formal request for an extension of their current Plan. The request has been reviewed and recommended for approval by BWSR staff, and was considered by the Southern Region Committee at their June 24, 2015 meeting. The Committee recommends approval. The state’s expectations for the extension request must be sent to Redwood County. Moved by Kathryn Kelly, seconded by Rob Sip, to approve the Redwood County Comprehensive Local Water Management Plan Extension. Jeff Nielsen stated that prioritized, targeted, and measureable outcomes will be included in the implementation. ***Motion passed on a voice vote.***

Chair Napstad called for a break in the meeting at 10:48 a.m. The meeting reconvened at 11:14 a.m.

**Wabasha County Comprehensive Local Water Management Plan Update** – Kathryn Kelly reported that Wabasha County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the update to the Board for final State review on June 3, 2015. On July 28, 2015, the Southern Region Committee reviewed the recommendation of the state review agencies regarding final approval of the Wabasha County Local Water Management Plan Update; the Committee recommends approval of the Wabasha County Comprehensive Local Water Management Plan Update. Moved by Kathryn Kelly, seconded by Chris Elvrum, to approve the update of the Wabasha County Comprehensive Local Water Management Plan 2015-2025. Jeff Nielsen introduced Terri Peters, Wabasha SWCD Manager and County Water Planner; and Tom Gile, Board Conservationist. Terri briefly commented on the water management approach in Wabasha County. Jack Ditmore requested a consistent date on the Plan and Order; 2015-2025. ***Motion passed on a voice vote.***

**Area II Minnesota River Basins Project Inc. FY 2016 & FY2017 Biennial Work Plan and Grant** – Kathryn Kelly reported that the Southern Region Committee met on June 24, 2015 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2016 grant. The 2015 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2016 grant of \$140,000. Moved by Kathryn Kelly, seconded by Joe Collins, to approve the Area II Minnesota River Basins Project Inc. FY 2016 & FY2017 Biennial Work Plan and Grant. ***Motion passed on a voice vote.***

**Area II Minnesota River Basins Project Inc. FY 2016 Bonding Work Plan and Grant** – Kathryn Kelly reported that the Southern Region Committee met on June 24, 2015 to review the Area II Bonding Work Plan and recommends approval of the plan and execution of the FY 2016 grant. BWSR oversees the Bonding appropriation related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II) for construction of floodwater retarding and retention structures. The 2015 Minnesota Legislature appropriated Bonding funding for Area II Minnesota River Basins Project Inc. resulting in a fiscal year 2016 grant of \$1,000,000. Moved by Kathryn Kelly, seconded by Steve Sunderland, to approve the Area II Minnesota River Basins Project Inc. FY 2016 Bonding Work Plan and BWSR will enter into a grant agreement for these funds. Discussion followed. ***Motion passed on a voice vote.***

#### ***Grants Program & Policy Committee***

**Cooperative Weed Management Area Program Request for Proposal (RFP)** – Jim Haertel reported that approval of the FY2014 and FY2015 BWSR Cooperative Weed Management Area (CWMA) Program Request for Proposal (RFP) is requested. The Board was appropriated \$100,000 of cost-share grant funds in each year of the biennium for FY2016 and FY2017 (\$200,000 total) for “county cooperative weed

management programs and to restore native plants in selected invasive species management sites". Staff developed a request for proposal to make these funds available to qualified cooperative weed management groups. The Grants Program and Policy Committee met earlier this month and

\*\* recommends approval of the RFP. Moved by Kathryn Kelly, seconded by Steve Sunderland, to authorize staff to proceed with the FY2016 & FY2017 Cooperative Weed Management Area Program Request for Proposal. **Motion passed on a voice vote.**

15-59

**FY 2016 Multipurpose Drainage Management Grant Program Request for Proposal (RFP)** – Tim Gillette reported that the 2015 Legislative Session appropriated funds for a Multipurpose Drainage Management Grant Program. Tim distributed a revised draft page 7 of the BWSR Multipurpose Drainage Management Grants. Al Kean reported that the purpose of the program is to facilitate multipurpose drainage management practices to reduce erosion and sedimentation, reduce peak flows and flooding, and improve water quality, while protecting drainage system efficiency and reducing drainage system maintenance for priority Chapter 103E drainage systems. Practices include eligible on-field, on-farm, and on-drainage system practices within the benefited area or the watershed of a priority Chapter 103E drainage system. A Request for Proposal was reviewed by the Grants Program and Policy Committee earlier this month and the Committee recommends approval. Moved by Tom Loveall, seconded by Faye Sleeper, to authorize staff to finalize, distribute and promote an RFP for the FY2016 CWF Multipurpose Drainage Management Grant Program consistent with the provisions of appropriations enacted in 2015. Discussion followed. **Motion passed on a voice vote.**

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15-60

Chair Napstad stated that board members have submitted their completed Conflict of Interest Disclosure forms; the documents will be filed for the grant decision items. All board members are eligible to vote on the following three items.

**Reallocation of FY2013 Targeted Drainage Water Management Grant Funds** – Tim Gillette reported that some FY 2013 Targeted Drainage Water Management Grant Funds have been returned. The WDs returning the funds are in the Red River basin. Staff made a recommendation to reallocate the returned funds to SWCDs in the Red River basin. The Grants Program and Policy Committee met earlier this month and recommend the reallocation be approved. Moved by Steve Sunderland, seconded by Rob Sip, to direct BWSR staff to reallocate \$95,336.52 of BWSR Targeted Drainage Water Management Grant Funds to the Wilkin and Traverse SWCDs. Discussion followed. **Motion passed on a voice vote.**

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15-61

**Grey Cloud Slough Restoration Grant** – John Jaschke reported that the 2015 Legislative Session resulted in an appropriation of a \$520,000 grant from the FY 2016 Clean Water Fund to Washington County for the Grey Cloud Slough Restoration Project. The project would reconnect the slough to the Mississippi River resulting in an improvement to water quality and restoration of an essential backwater aquatic area. The Grants Program and Policy Committee recommends the grant be approved. Moved by Joe Collins, seconded by Jill Crafton, authorizes staff to allocate \$520,000 of the BWSR FY2016 Clean Water Fund to Washington County for the Grey Cloud Slough Restoration Grant, consistent with the provisions of appropriations enacted in 2015. Jack Ditmore asked if the Grey Cloud Slough project is named in a local Water or Watershed Plan. John Jaschke will check on this. **Motion passed on a voice vote.**

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15-62

**FY2016 Buffer Law and MN Ag Water Quality Certification Funding Allocations** – John Jaschke reported that in conjunction with the buffer policy enacted in the 2015 Legislative Session and amendments to the existing soil loss limits law, funding was appropriated to BWSR to support local implementation of the new buffer law and to MDA to implement the Agricultural Water Quality Improvement Program state-wide. BWSR and MDA staff developed formulas to allocate the funds. The Grants Program and



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15-63

Policy Committee recommends approval. Discussion followed. Jack Ditmore questioned the no match of funds; the lump sum payment; and reporting. John clarified the buffer statute language covers the requirements and consequences related to SWCD implementation. Kathryn Kelly stated that the funding to SWCDs will be tracked and appropriately used. Rob Sip stated that MDA appreciates the MAWQCP funding being bundled for efficiency. Moved by Joe Collins, seconded by Rob Sip, to authorize staff to execute grant agreements with individual SWCDs after receipt and approval of a request for funding not to exceed grant allocation amounts identified. ***Motion passed on a voice vote.***

## **AGENCY REPORTS**

**Minnesota Department of Agriculture (MDA)** – Rob Sip distributed the following information :

- The ‘MDA Update’ newsletter on Pesticide and Fertilizer Management
- ‘Save the Date’ - March 23-24, 2016 for the 2016 Annual Conference of the Red River Watershed Management Board and the MN Flood Damage Reduction Work Group
- Factsheet for the Drainage Demonstration Site, Wilkin County
- Factsheet on MN Agricultural & Rural Leadership (MARL) Investing in People.

**Minnesota Department of Health (MDH)** – Chris Elvrum reported that MDH is teaming up with BWSR and DNR to work on a Groundwater Restoration Assistance Program (GRAP) to provide LGUs assistance on groundwater plans. Chris would like to provide a more detailed presentation of the program at an upcoming Board meeting.

**Minnesota Department of Natural Resources (DNR)** – Tom Landwehr reported that DNR will be providing opportunities for public comment in the next few weeks on the EIS for flood lands upstream of Fargo. Tom stated that DNR is working with BWSR and MDA on the Pheasant Plan, to be released in a few weeks; he requested that the Plan be presented at an upcoming Board meeting. Tom reported that a \$1.67 million, three-year federal grant that funds Minnesota’s Walk-In Access (WIA) program has been awarded by the U.S. Department of Agriculture. The grant allows hunters in western and south central Minnesota continued access to more than 22,000 acres of existing WIA hunting land, and will get at least 8,000 additional WIA acres over the next three years.

## **ADVISORY COMMENTS**


**Minnesota Association of Soil & Water Conservation Districts (MASWCD)** – Ian Cunningham, President of MASWCD, introduced Sheila Vanney, MASWCD Assistant Director. Ian reported on MASWCD training: Governance 101 Conference to be held September in St. Cloud; MASWCD and DNR are sponsoring a groundwater workshop for SWCDs; he attended the MASWCD Leadership Training. Ian briefly commented on the buffer initiative. Chair Napstad thanked Ian and Sheila for attending the meeting today.

## **UPCOMING MEETINGS**

- BWSR Board Meeting, September 23, 2015, St. Paul

Chair Napstad adjourned the meeting at 12:47 PM.

Respectfully submitted,



Brian Napstad  
Chair